

Message

From: Melvin, Karen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B65F9758D726421185D69F59824F8DEE-KMELVIN]
Sent: 7/28/2021 11:34:15 AM
To: Armstrong, Joan [Armstrong.Joan@epa.gov]
CC: Maldonado, Zelma [Maldonado.Zelma@epa.gov]
Subject: RE: State Secretary Talking Points - PADEP and WVDEP - Due to OPA 7/29

These look great!

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From: Armstrong, Joan
Sent: Tuesday, July 27, 2021 5:19 PM
To: Melvin, Karen <Melvin.Karen@epa.gov>
Cc: Maldonado, Zelma <Maldonado.Zelma@epa.gov>
Subject: State Secretary Talking Points - PADEP and WVDEP - Due to OPA 7/29

Hi Karen,

Here are the talking points received from the managers – due to 7/29.

PADEP:

Working to resolve compliance issues with Capital Region Water:

- DOJ's nonconcurrency motion argued that DOJ, EPA, and PADEP have a strong coalition and are working together to resolve the compliance issues with Capital Region Water (CRW), and that the Motion to Intervene (MTI) is not timely given EPA has made significant progress in amending the current CD.
- On June 16, EIP filed a Reply Memorandum in Further Support of its MTI. Now the Court must make the decision as to whether to allow LSRA to become co-plaintiffs. On June 29, 2021, DOJ sent a revised Consent Decree to CRW. On August 24, 2021, EPA, DOJ, and PADEP will meet with CRW to negotiate the terms of the CD.
- *Background: On May 6, the Environmental Integrity Project (EIP) on behalf of the Lower Susquehanna Riverkeeper Association filed an MTI as a plaintiff in the matter U.S. et al v. Capital Region Water Case. EIP's motion stated that since EPA's 2018 letter to found CRW's Long Term Control Plan (LTCP) deficient in its failure to control CSO overflow. CRW has not made sufficient progress in developing a new plan. The plaintiffs and CRW agreed to meet with EIP to discuss the progress that has been made in developing the final LTCP and a modified Partial Consent Decree (CD). However, EIP conditioned its participation at such meeting on plaintiffs agreeing to entering a "common interest agreement" with EIP which would grant them a full seat at the negotiation table. The plaintiffs were not interested in entering this agreement and EIP has refused to meet with DOJ and EPA unless and until its demands*

were met. As a result, on May 27, DOJ on behalf of EPA filed an Opposition to the MTI along with PADEP, CRW, and the City of Harrisburg.

Nonresponsive based on revised scope

WVDEP

Nonresponsive based on revised scope

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